

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

Jerrold A. Watson & Sons, L.L.C. d/b/a)
Watsonia Farms,)

Plaintiff,)

-vs-)

C.H. Robinson Company d/b/a Robinson)
Fresh,)

Defendant.)

NOTICE OF REMOVAL

C.A. No.: _____

TO: DARYL L. WILLIAMS & ROBERT L. BUCHANAN, JR., ATTORNEY FOR
PLAINTIFF, JERROLD A. WATSON & SONS, L.L.C. d/b/a WATSONIA FARMS

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, Defendant C.H. Robinson Company d/b/a Robinson Fresh (“C.H. Robinson”) hereby gives notice of the removal of the above-captioned matter to the United States District Court for the District of South Carolina, Greenwood Division. The basis for this removal is that this Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332.

In support of this Notice of Removal, C.H. Robinson states the following:

1. On July 26, 2016, Plaintiff Jerrold A. Watson & Sons, L.L.C. d/b/a Watsonia Farms (“Plaintiff”) filed a Complaint against C.H. Robinson in the Saluda County Court of Common Pleas, captioned *Jerrold A. Watson & Sons, L.L.C. d/b/a Watsonia Farms v. C.H. Robinson Company d/b/a Robinson Fresh*, C.A. No. 2016-CP-41-156 (“State Action”).

2. In the State Action, Plaintiff asserts causes of action against C.H. Robinson for breach of contract, breach of contract accompanied by a fraudulent act, and violation of the

South Carolina Unfair Trade Practices Act (“UTPA”). Plaintiff seeks “in excess of \$1.5 million” for breach of contract (Compl. ¶ 14) and breach of contract accompanied by a fraudulent act (Compl. ¶ 19), punitive damages for breach of contract accompanied by a fraudulent act, treble damages and attorney’s fees under UTPA, and lost profits.

3. The State Action was served on C.H. Robinson on July 27, 2016.

4. At all times herein and relevant, including at the time Plaintiff filed and served the State Action, Plaintiff, upon information and belief, was and is a citizen of Saluda County, South Carolina. In the Complaint, Plaintiff alleges it is a South Carolina limited liability company with its principal place of business in Saluda County, South Carolina. (Compl. ¶ 1).

5. At all times herein relevant, including at the time Plaintiff filed and served the State Action, C.H. Robinson was and is a Delaware corporation with its principal place of business in Minnesota.

6. This Court has original jurisdiction over this matter, pursuant to 28 U.S.C. § 1332(a), because: (1) there is complete diversity of citizenship between Plaintiff and C.H. Robinson; and (2) the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

7. The State Action was served on C.H. Robinson on July 27, 2016. Thus, the thirtieth day following service of the State Action is on or about August 26, 2016. Accordingly, C.H. Robinson is timely removing this action pursuant to 28 U.S.C. § 1446(b).

8. Venue is appropriate in District of South Carolina, Greenwood Division, pursuant to 28 U.S.C. §§ 1441(a) and 121, because Saluda County, the place where the action is pending, is located in the District of South Carolina, Greenwood Division.

9. Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal in the United States District Court for the District of South Carolina, Greenwood Division, C.H. Robinson will give notice of the filing of this Notice of Removal to the Court of Common Pleas for Saluda County, South Carolina, and to Plaintiff through its attorney.

10. Since being served with the State Action, C.H. Robinson has not served an answer or other responsive pleading in, nor has it made an appearance before, the Court of Common Pleas for Saluda County, South Carolina.

11. Pursuant to 28 U.S.C. § 1446(a), a true copy of all process, pleadings, and orders served upon C.H. Robinson is attached hereto as **Exhibit A**.

WHEREFORE, C.H. Robinson respectfully requests this Court accept this Notice of Removal, and cause this entire suit to be docketed in this Court, and that this Court proceed to the final determination of this suit.

This the 15th day of August, 2016

s/ Jason D. Maertens

Robert D. Moseley, Jr. (#5526)

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